Elections in a communist party regime: Vietnam's Electoral Integrity Reforms and Challenges

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Abstract

Elections in an authoritarian regime like Vietnam serve the party-state's purposes of information acquisition and cooptation rather than popularity contest or leadership grooming. Thus, unlike the popular understanding proliferated by the Western media about the meaning of elections in authoritarian countries, elections are of significance to the political life of the Vietnamese party-state. In such a context, even without pressures from any political opposition, there is a growing need for the party-state to make the elections work better to bolster its legitimacy. Elections in Vietnam have long been marred by problems related to electoral integrity. Reforms of electoral integrity has been considered and cautiously implemented. An important aspect of the reform is to ensure the values, purposes and duties for which the power is entrusted to or held by electoral institutions are honoured. While achieving this will further the regime's legitimacy and credibility of elections among candidates, it faces a number of challenges, particularly due to an inherent problem about the independence of electoral institutions and the intervention at the discretion of party leaders at various levels. Despite these challenges, the paper argues that there exist some immanent elements embedded in the electoral integrity reforms for democratic transformative potential.

Introduction

Conventional wisdom has it that the state under a communist party regime is merely as an instrument of governance for political purposes. Elections for state legislatures in such a regime often do not make important news stories in the Western media as they are engineered and the results never have any impact on the political landscape and policy direction in the country. The meaning of elections in a communist party regime is substantially downplayed as rubber-stamp or sham. It also received scant attention in the academic literature about communist party regimes. In contrary to the image presented by the Western media, political rhetoric magnified by the media in communist party regimes like China, Vietnam, Cuba, Laos and North Korea[1] portrays the significant meaning of election as a festival of people's democracy. Indeed, election

[1] Although the official name of the single party in power in Laos (Lao People's Revolutionary Party) and North Korea (Workers' Party of Korea) is not a communist party, they are generally seen as communist party regimes.

is a showcase of mass mobilization of people and the number of eligible voters who cast ballots is extremely high, often close to 100%. It testifies the authenticity and strength of socialist democracy against the bourgeois democracy. Both broadly generalized understandings seem to lack insight and lose the nuance in making sense of electoral politics across communist party regimes. Vietnam is a case in point. There have been various efforts aimed at reforming the electoral integrity system to make elections work better. Conventional understanding would fail to explain the dynamic construction of meanings in elections by these reform efforts.

While Vietnam's political system is typically a communist regime, electoral politics also has Vietnamese character constructed by history and culture of its own. The first popular election ever held in Vietnam was in 1946 and is often referred to, with nostalgia, as a historic landmark of Vietnam's democratic regime. Except for the elections organized in the South of Vietnam between 1954 and 1975 under the State of Vietnam and the Republic of Vietnam, the 1946 election has been the first and the only election with competition among different political parties nationwide.[2] Since the 1975 violent re-unification achieved by the victory of the Communist Party of Vietnam (CPV), elections have lost the meaning of contestation and competition. Instead, they have embraced the new meaning of unity and consensus. Election is significant for the party-state in that it provides the most visible testimony for the leadership of the party over the state and society.

Election is often associated with electing members of state legislatures at both national and local levels. However, in a communist party regime like Vietnam, more significant elections take place inside the party without due academic attention. Thus it is important to consider elections in both party and state as two separate institutions. Furthermore, elections are of significance to the political life of the Vietnamese party-state not because of their role in popularity contest and/or leadership grooming for candidates running for seats at state legislatures or party legislatures. Instead, they serve the purposes of information acquisition and cooptation of different social forces to consolidate the legitimacy to rule by the CPV. In doing so, the meaning of elections as a showcase of unity and consensus is being subtly deconstructed to allow for more sense of contestation to bolster the party-state's declining legitimacy. Recognizing the dynamic construction of the meaning of elections will provide a much more nuanced understanding of the reforms of electoral integrity system in Vietnam.

In Vietnam, electoral integrity reforms have been considered and implemented on an incremental basis and by pilot schemes. In this paper, I argue that such integrity reforms are contributing to the resilience of the communist party regime. Lack of transparency and

[2] In this paper, I only consider the elections in the unified Vietnam since the declaration of independence in 1945, thus excluding the elections in both the North and the South of the divided Vietnam in the wartime period of 1954-75 from the scope of study.

accountability has long undermined the credibility of Vietnam's elections both for party legislatures and state legislatures. While the problem is recognized, reforms are to not confront it but to circumvent it. There are measures to improve transparency and accountability in elections but they hardly become the main thrust the reforms and often compromised. Emphasis is placed on ensuring the values, purposes and duties for which the power is entrusted to or held by electoral institutions are honoured or in other words, electoral integrity matters most. Doing so does not necessarily involves a reform of transparency and accountability in the electoral system. However, reform of electoral integrity system is facing serious challenges due to inherent problems about the independence of electoral institutions and the intervention at the discretion of party leaders at various levels. This structural problem is worsened by the rent-seeking patterns increasingly rampant across the party and state. While these challenges seem insurmountable to the party-state with the confusion and deadlock in the reform of electoral integrity system, it reveals some democratic transformative potential once a number of immanent elements embedded in the electoral integrity system are unleashed.

In demonstrating the scope of agency potentially gained by the reform of electoral integrity system, the paper is organized as follows. The next section is to discuss the meaning of elections and electoral integrity in Vietnam and their relationship to the power structures. It is followed by two different sections on electoral integrity problem and reforms for elections of party and state legislature members respectively. In these sections, key elements of reforms of electoral integrity as well as their limits are outlined to provide an analysis of both challenges and potentials for democratic transformation.

Meanings of elections and electoral integrity in Vietnam

Literature on elections in authoritarian regimes has pointed to different reasons why elections are held. It is noteworthy that authoritarian regimes that conduct regular elections often outlast those without elections and single-party regimes tend to outlast other forms of authoritarianism including military regimes and personalist regimes even in the face of severe economic crisis (Geddes 1999). Based on this observation, there have been a number of theories trying to explain the benefits that elections can bring about for authoritarian regimes. Elections can provide authoritarian regimes with some sort of international legitimacy by showing the international community, particularly donor countries that they meet formal conditions of democracy and good governance (Taylor 1996; Zakaria 1997). Elections can play the role of a safety-valve for dissatisfaction by dissidents (Sartori 1976) or deterrent to opposition and defection by means of demonstration of overwhelming strength (Magaloni 2006). Other theories suggest that elections are used as rent distribution mechanisms (Blaydes 2006; Lust-Okar 2006) or limited power sharing mechanisms for elites (Magaloni 2008). Alternatively, there

are theories suggesting that elections are used by authoritarian regimes to acquire information on the strength of the regime itself and the opposition in non-tyrannical autocracies (Boix and Svolik 2007) or to identify potential talented leaders for leadership grooming and cooptation into the ruling elite (Gandhi and Prezworski 2006). These theories of the roles of elections address authoritarian regimes broadly without paying attention to communist party regimes. Thus, when testing these theories in a specific case of Vietnam, there are variations in explanations.

Elections in Vietnam can also play different roles and have different meanings. Studies on elections in Vietnam do not reflect on the arguments on safety-valve, opposition/defection deterrent or leadership grooming. In a communist regime like Vietnam, all independent power centres or political opposition have been completely destroyed during violent revolutions (Levitsky and Way 2013), thus the argument related to opposition or dissidence does not apply. Furthermore, evidences reject the argument about the role of elections as leadership grooming as leaders are in fact pre-determined prior to elections (Malesky and Schuler 2012). Taken at face value, elections can be seen as an attempt to comply with global democratic norms for the purpose of Vietnam's international integration. However, most Vietnam specialists suggest alternative theories. Elections are used as a means of mass mobilization to maintain the bond between the party-state and society (Lockhart 1997). This theory emphasized the aspect of domestic legitimacy in the meaning of elections. Another theory resonates the rent-distributing theory of elections in authoritarian regimes. According to Gainsborough (2005: 58), election to the Vietnamese National Assembly carries "both strategic significance (i.e. a link to the centre) and wealth-generating benefits, as various interest groups court the support of parliamentarians." In a different perspective, Solomon 2007 points out that elections can be popularity contests for party-state officials and provide renewed sense of legitimacy for the regime, partly echoing the argument about international legitimacy. Malesky and Schuler (2011; 2012) argue that elections are primarily used as information acquisition mechanisms and cooptation mechanism. All these theories provide different insights into Vietnam's elections and its meanings. However, their underlying assumptions tend to focus only on elections of state legislatures, particularly the National Assembly. Little research has been conducted on election at party legislatures and its link to state legislature election. Furthermore, these studies have been silent on the meaning of electoral integrity in Vietnam's elections. I will now turn to these two issues.

First, literature on Vietnam's politics has been attracted to the two key institutions, that is, the CPV and the National Assembly of Vietnam (NAV). They are important subject for study of Vietnam's politics as, according to the 2013 Constitution of Vietnam, the CPV is "the force leading the state and society" (Article 4), asserting its supremacy and the NAV is "the highest representative organ of the people and the highest organ of state power" with constitutional

and legislative powers (Article 69). Both the CPV Central Committee and the NAV are formed via elections. Since re-unification after Vietnam War, elections for these two institutions take place regularly with an interval of 4-6 years. The elections of the party and state legislatures at the central level are timed as close to each other as possible so that elected party leaders can assume state office titles promptly. Studies on elections in Vietnam focuses exclusively on the elections of the NAV even though elections also take place at other state legislatures like the local People's Councils and party legislatures, most importantly, the CPV Central Committee. A possible reason is the relatively easier access to the electoral process at the NAV and the more intense media attention to NAV elections. It becomes more difficult to gather data and access to the electoral process at party legislatures due to its secrecy and closed meetings to the public. This is a significant gap in literature on elections and politics in Vietnam as the elections at the party decides the leaders as well policy direction of the country.

Second, in studies on Vietnam's elections, the issue of electoral integrity has not come to the fore. Literature mainly speaks to the electoral process (Solomon 2007), election communication (Gainsborough 2005), information gathering mechanisms and election outcomes (Malesky and Schuler 2009; 2011). While these studies at times implicitly deal with aspects of electoral integrity, they do not specifically address this issue.

Electoral integrity can provide the communist party regime in Vietnam a source of both international and domestic legitimacy. It refers to a set of global norms embedded in international law governing the appropriate conduct of elections (Norris 2014). Despite being difficult to be measured, electoral integrity can be monitored by perceptions of electoral malpractice and corruption. As argued by Norris (2014: 14), public perceptions of electoral integrity will influence broader feelings of political legitimacy. There have been various efforts to monitor perception integrity, for example the Integrity Perception Index developed by the Korean Independent Commission Against Corruption (KICAC) or the National Integrity System (NIS) developed by Transparency International (TI). According to TI, integrity is "the use of public power for officially endorsed and publicly justified purposes." In a democratic regime, the elected government and legislature set the officially endorsed uses of public power (Sampford 2005). However, in an authoritarian system, it is less useful to take that process value approach but a substantive value approach might be more application. TI's definition of Integrity Systems also has such a component. Accordingly, the Integrity Systems are "the institutions, laws, procedures, practices and attitudes that encourage and support integrity in the exercise of power in any given society" and they functions to "ensure that power is exercised in a manner that is true to the values, purposes and duties for which that power is entrusted to, or held by, institutions and individual office-holders" (TI 2005). Electoral integrity should be seen both as part of the national integrity systems and the state's respect for and compliance with relevant rules and norms in international law.

The question of electoral integrity has become increasingly important for Vietnam's party-state. It has paid more attention to prevent the abuse of power in general and particularly in relation to elections. At the national level of the party and state legislatures, a number of incremental reforms have been considered and implemented to prevent irregularities, fraud, corruption, and malpractices in elections. As Vietnam has been a party to the UN Universal Declaration of Human Rights (UDHR) and the International Covenant for Civil and Political Rights (ICCPR), it needs to demonstrate the commitments and compliance with global democratic norms on elections. Vietnam has codified a number of fundamental norms governing elections into its Constitution and election laws, i.e., the Law on Elections of the National Assembly Deputies and the Law on Elections of People's Council Deputies. In practice, Vietnam's party-state has tried to ensure periodic elections at regular intervals, universal and equal suffrage, the use of a secret ballot process and the rights of all eligible electors to vote in the elections for state legislatures. However, regarding more abstract norms on the right to stand for public office and contest elections, genuine elections, party competition, and elections that reflect the free expression of the will of the people, Vietnam's interpretations and practices differ to a varying degree. Concerning party legislature elections, it is even more unlikely to have the global democratic norms applied consistently. Electoral integrity in party legislature elections should be assessed in terms of the existing institutions along with their strengths and weaknesses, their performance against a standard set of good practice measures related to prevention of power abuse. The next sections will in turn deal with electoral integrity in state legislatures and party legislatures.

Electoral integrity at state legislatures

Elections of state legislatures take the form of electing members of the National Assembly of Vietnam (NAV) and members of local people's councils. There has been increasing literature pointing to the more assertive role of the National Assembly in Vietnam's politics. In some ways, Vietnam can fit in the category of competitive authoritarianism theorized by Levitsky and Way (2002: 56-57) where the NA is still a relatively weak power centre but it occasionally become a focal point of oppositional activity. Electoral integrity system has been slowly developed to make these elections work better for the regime's political legitimacy. Problems with electoral integrity have always been spotted since the first national election for the National Assembly in 1946 even though there have never been any independent monitoring but press observation. Problems reported included, but were not limited to, fraud and voting irregularities. The 1946 election which is considered by Vietnam party-state as a symbol of democratic regime was also marred with problems in electoral integrity. There were nearly 30 political forces participating in the election along with thousands of independent candidates, making it a heavily contested election. It recorded 89% voter turnout, 333 seats filled among which 57% were from political

parties and 43% were not affiliated with any political party.[3] It was a landslide victory for Viet Minh, a large political alliance secretly led by the Communist Party of Vietnam (CPV), with 120 seats and many more seats won by pro-Viet Minh parties. Two large political parties at the time boycotted the election but later were offered 70 seats in the National Assembly without contesting election.

Since Vietnam's reunification, periodic elections of the National Assembly are conducted at relatively regular intervals of 4-6 years. As can be seen in Table 1, voter turnout in all elections is always record high, close to 100%. The Vietnam's party-state and its media consider it an important indicator of the success of the election and a strong showcase of people's democracy. Media coverage of elections always carries an image of the festival of democracy for the people and the happy mood of exercising their right of popular sovereignty. However, that political rhetoric diverts the attention away from various problems with electoral integrity. These problems are rooted in the very notion of socialist democracy preached by Vietnam's leaders and the propaganda apparatus. Indeed, that conception of democracy carries "the risk of the arbitrary use of power by political leaders" (Zingerli 2003: 55), which threatens electoral integrity.

The first problem involves the absence of political party competition. For the CPV-led regime, pluralism and multiparty system is unthinkable. CPV leaders like Nong Duc Manh, Nguyen Phu Trong and Dinh The Huynh have publicly excluded the possibility of any political party other than the CPV in Vietnam's current and future political landscape. As pointed out by Gainsborough (2005: 37), their statements reflect that "the idea of oppositional sphere simply does not fit with the philosophical underpinnings in which the CPV is rooted and still draws." This fundamental problem deprives voters of any alternative choice of policy lines and policy-makers. It calls into question the principle of free expression of the will of the people in elections. In fact, the absolute majority of seats in the NAV is always taken by CPV members as shown in Table 1. A minimal number of seats is filled by non-party members but all of them must be pro-CPV policy according to the electoral laws. There are a handful of independent candidates in each election. They are those not nominated through official channels of the party-state and mass organizations. They can be party or non-party members but must be pro-CPV in nature for being approved as candidates running for an election.

To make the problem worse, the sense of competition among CPV-approved candidates is further reduced considerably by various mechanisms employed by the party-state to ensure the best chance of success for the regime-favoured candidates. Particularly regime-favoured candidates conspicuously benefit from *ex ante* manipulation at elections in terms of placement

[3] See Lê Mậu Hãn, 'Cuộc tổng tuyển cử đầu tiên năm 1946 - một mốc son lịch sử nhảy vọt về thể chế dân chủ', *Nhân dân*, dated 8/12/2005.

in a constituency with lower candidate-to-seat ratio and weaker competition from other candidates (Malesky and Schuler 2012). Senior leaders of the party who stand for election always safely secure a high percentage of votes in their chosen electoral units. In the 1992 election, 60 members of the CPV Central Committee, including 14 Politburo and Secretariat members, were elected to the NAV with an average percentage of votes received of 88% and in the 2011 election, 81 CC members, including 18 members of the Politburo and Secretariat won seats at the NAV. Upon the completion of election, these CPV leaders assume key positions in the state institutions. This factor seems to disapprove Solomon's argument that elections serve as popularity contest. Vietnam's economic situation before the 2011 NAV election was deeply gloomy, the worse since Doi moi: record high inflation rate of 18%, skyrocketing foreign debt, widespread bankruptcy of enterprises, collapse of some major state-own conglomerates, and rampant corruption. In the public opinion, the administration under Prime Minister (PM) Nguyen Tan Dung and First Deputy Prime Minister (DPM) Nguyen Sinh Hung was responsible for the serious economic mismanagement and perceived to have very low popularity. At televised question time during the NAV plenary meeting, some outspoken NAV members even harshly criticized the PM and suggested his resignation. However, PM Nguyen Tan Dung received 99.38% of valid votes and DPM Nguyen Sinh Hung secured 99.51% at the 2011 election.

The second problem is the failed logic of accountability, which derives directly from the first problem. The system truly emphasizes a vertical accountability, which means candidates only have the incentives of getting nomination and selection from the party-state and mass organizations. Once elected, NAV members are hardly accountable to the voters. In other words, their chance of getting re-elected or transferred to a higher position/better job depends on the political leaders, not the voters. It is noteworthy that about 70% of NAV members are part-time, meaning that being a NAV member is not their profession. This figure corresponds with the high turnover rate at the NAV, usually more than 70% with an exception of 99% in 2002 (Table 1). The low number of incumbents to stand as candidates indicates that they most likely do not have the incentives to be re-elected to the NAV. Furthermore, candidates for the NAV elections have been required to declare their assets since 2002 but these declarations were not made publicly available. Thus, there is little information on their integrity record for the voters to make the right choice.

The third problem involves the screening and vetting of candidates. The entire process is overshadowed by opaque political maneuvering and complex procedures. Upon the CPV approval, the NAV Standing Committee pre-determines the desired composition of the National Assembly (Article 9, Law on Election of the National Assembly members[4]) in consultation with the Standing Board of the Vietnam Fatherland Front (VFF), a CPV led mass organization. And on

[4] The Law on Election of the NAV members was promulgated in 1959, 1980, 1992, 1997 and amended in 2001 and 2010. It is now under revision process after the 2013 Constitution entered into force.

that basis, the VFF is responsible for carefully vet candidates to fill the quotas for each category of NAV membership by holding three rounds of consultative meetings and two other meetings for each candidate, one with his/her colleagues at work and the other with his/her neighbours. The five steps are referred to as five gates which create many barriers for those who wish to stand as candidate. The process is indeed "a paint-by-number canvass" (Malesky and Schuler 2009: 17). Usually one third of the total candidates are centrally nominated, i.e., those representing the central government agencies and central organs of mass organizations, and placed in favorable electoral units, which give them the most chance of winning a seat. The rest are provincially nominated and best spots are reserved for provincial leaders who run. As such, for the candidates, "selection is more important than election" (Gillespie 2005: 252).

The fourth problem is the conflict of interests. The most evident can be seen in the membership of the National Election Council (NEC). The electoral process is overseen by the NEC, which is an ad-hoc body established by the outgoing Standing Committee of the NAV for each election. The NEC is officially responsible for approving the list of candidates and election outcome. It also has the responsibility of dealing with complaints and denunciations related to voting irregularities and fraud. However, most members of the NEC, including the Chairman and Vice Chairpersons are themselves candidates running for the election. For example, the NEC for the 2011 election had 21 members of which 11, including the Chairman and 3 Vice Chairpersons, were candidates for the upcoming election.[5]

Table 1. Elections of the National Assembly of Vietnam (NAV) since re-unification.

Election time	Voter turnout	Candidates	Seats filled	Margin between candidates and seats	Party members in the NAV	NAV members by self-nomination	Turnover rate at the NAV
Apr 1976	98,77%	605	492	+22.9%	81.4%	0	-
Apr 1981	97,96%	614	496	+23.7%	84.1%	0	-
Apr 1987	98,75%	828	496	+66.9%	93.0%	0	-
Jul 1992	99,12%	601	395	+52.1%	91.6%	0	74.0%
Jul 1997	99,59%	666	450	+48.0%	85.3%	3	72.7%

[5] The NEC Chairman for the 2011 election was Nguyen Phu Trong, the newly elected CPV General Secretary and incumbent NAV Chairman. Three Vice Chairpersons were Tong Thi Phong, a CPV Poliburo member and incumbent Vice Chairwoman of the NAV; Nguyen Sinh Hung, a CPV Politburo member, and the incumbent Deputy Prime Minister, later becoming NAV Chairman after the 2011 election; and Nguyen Thi Doan, a CPV CC member and incumbent Vice President of the State. See Resolution No. 1018/NQ-UBTVQH12 dated 21/1/2011 issued by the Standing Committee of the NAV.

May 2002	99,73%	763	498	+47.8%	89.7%	2	99.%
May 2007	99,64%	876	493	+77.7%	91.3%	1	70.0%
May 2011	99,51%	827	500	+65.4%	91.6%	4	66.8%

Source: Compiled by author from official source of the NAV and media.

Electoral integrity reform for the NAV

Integrity-based reforms have been considered and implemented by the party-state, particularly with a view to introducing some sense of competition among candidates. One of the notable measures is to increase the candidate-to-seat ratio to improve the appearance of competitiveness. The ratio was just over 1.2/1 (or 20% margin) in the elections before *Doi moi* in 1986. However, it was tripled in the 1987 election and on average approximates 1.6/1 (or 60% margin) for the six most recent NAV elections (Table 1). The Law on Election of the NAV members has stipulated that the number of candidates for each of electoral units must have at least two more candidates than the number of seats to be filled. The available seats in each electoral unit range from 2 to 4. It should be noted that even with such a higher ratio, on average less than two candidates have to contest for one seat. Despite this flaw in the electoral integrity system, this is an improvement in the appearance of competitiveness and has been highlighted as increasing the democratic feature of the NAV. As argued by Malesky and Schuler (2009: 19-20), the candidate-to-seat ratio in Vietnam is still far higher than other communist party regimes, for example, in the 2008 Cuban parliamentary elections, 614 candidates competed for 614 seats (the margin is 0) and in China, no more than 110 candidates are allowed for every 100 seats at the national elections (the margin is +10%).

Another measure to increase the appearance of competitiveness is to make efforts to increase the number of non-party members and permit a certain level of contestation, albeit limited, for centrally nominated candidates. Before each election, the outgoing NAV Standing Committee submits a personnel plan for important positions to be filled at the incoming National Assembly and a cap on the number of non-party members in the new legislature to the CPV Politburo for approval. In the past, this indicator was never an issue for the party-state. In all reports on election results before Doi moi, it is not required to make public the proportion of non-party members. However, this issue has attracted increasing attention from the party-state leaders in recent years. There have been various plans in place for recent elections to aim for the proportion of non-party members in the NAV between 15-20%, the perceived ideal composition of the NAV in the two elections after Vietnam's reunification. However, the results of the three most recent elections have shown that it is still a far cry from the objective. The proportion of party members of the NAV remains stable at around 90%. At the same time, there has been a notable number of centrally nominated candidates fail to win seats at the NAV. The first high-

profile case was Ngo Ba Thanh, the incumbent Chairwoman of the NAV Law Committee, who lost her seat at the 1992 election. In the most recent election in 2011, 15 centrally nominated candidates, including Le Thi Thu Ba, a member of the CPV Central Committee and incumbent Chairwomen of the NAV Committee for Judiciary Affairs, failed to win seats at the NAV.

Last but not least, an important measure has been adopted to raise the democratic feature of NAV elections by allowing independent candidates, who can be party or non-party members and are self-nominated to run in elections. The 1992 election was the first time independent candidates were allowed. Independent candidates are often disadvantaged and subject to a certain degree of harassment like being pressured to drop out or disqualified on technical grounds. Their access to election campaigning is very limited. For example, in the 1992 election, 43 persons who considered themselves as meeting legal requirements to run attempted to register as independent candidates by means of self-nomination but only 2 passed the vetting process to be put on the ballot but finally none won any seat at the NAV (Thayer 1992). In the next NAV election in 1997, 11 out of 666 candidates were qualified to run in the self-nomination category (independent candidates) and 3 were successful to become NAV members. In the 2007 election, there were 236 self-nominees but only 30 had their names on the final ballot, and only one won a seat at the NAV.[6] In the most recent election in 2011, the situation for self-nominees seemed to improve a bit with 4 out of the 15 self-nominated candidates on the ballot becoming members of the NAV. However, resistance to the reform is still strong. In the recent draft revision of the Law on Election of the NAV members released for deliberation at the NAV Standing Committee in August 2014, the Drafting Committee proposed a number of legal limitations to independent candidates, i.e., prohibiting independent election campaigning (it only allows voters' meetings organized by the VFF and access to state-owned media) and requiring independent candidates to secure nomination from 30% of eligible voters from their residential area (ward/village).[7]

There is also a recent reform in the election management body seemingly to address the conflict of interest. The 2013 Constitution (Article 117) stipulates the National Election Council (NEC) as a permanent institution responsible for election management created by the National Assembly. However the Constitution is silent on the type of NEC membership and composition. It remains uncertain whether the Law on NEC shall prohibit NEC members from being candidates for the NAV elections or require the NEC members to resign if they want to run in the elections.

Electoral integrity at party legislatures

[6] The only independent (self-nominated) candidate that won a seat at the NAV in the 2007 election was Nguyen Minh Hong from Nghe An province.

[7] See http://vneconomy.vn/thoi-su/chua-nen-cho-phep-tu-van-dong-bau-cu-tai-viet-nam-20140814085453202.htm

The CPV has long been seen as a political organization fraught with secrecy and rigid hierarchy and elections traditionally mean rubber-stamp approval of top party leaders. In this instrumentalist perspective of party elections, party legislatures do not have much power. There was evidence from the dominance of influential figures like Le Duan, CPV General Secretary (1960-1986) and Le Duc Tho, Party Chief of Organization Department until 1986. Elections were understandably marred by opaque maneuvering and top-down imposition, or in other words, frequent blatant violation of electoral integrity. However, this traditional view fails to explain the dynamics in party elections and some measures for incremental inner-party democracy. Elections in the party have gradually more important meaning for the resilience of the regime. The more democratic feature of the CPV has been envied by the Chinese counterpart, particularly the increasing power of the Central Committee (CC) to make decisions independently from the Politburo and even overrule it on some occasions. Hu Jintao, Chinese President and General Secretary of the Communist Party of China (CPC) (2002-2012) had to issue an internal CPC document criticizing Vietnamese counterparts for "moving too quickly toward inner-party democracy" and banning public discussion of Vietnam's reforms (Abrami, Malesky, and Zheng 2013: 238). The reforms have made the CPV Central Committee both more powerful and clientelism-laden. In 2012, in a surprise move, the CC vetoed a proposal by the Politburo to discipline the Prime Minister, a Politburo member with a view to paying the way for his dismissal. And in 2013, the CC managed to strike down the two candidates (Nguyen Ba Thanh and Vuong Dinh Hue) nominated by the Politburo and instead elected two other CC members to the Politburo, i.e., Nguyen Thien Nhan and Nguyen Thi Kim Ngan.

Since Vietnam's reunification, periodic elections have been conducted at the national Congress every five year to regularize leadership changes and make major policy direction. Total membership of the CPV accounts for more than 3% of Vietnam's population, which is now 90 million and there are more than 1000 delegates are chosen for each Congress. Congress delegates are carefully vetted from party legislatures at local/provincial and central party branches. They are to make/amend the party constitution (Dieu le Dang)[8] and elect the CPV Central Committee or the highest party legislature, which in turn decides the leaders and policy direction of the country. While the issue of party constitution and general policy direction in the forms of Political Platform and Resolutions is decided at the Congress, election is arguably more important. The number of seats at the CC is decided at the Congress, ranging from 101 to 175 (Table 2). Elections in the party result in an average turnover rate of nearly 50% at the CPV Central Committee. This turnover rate allows more chances and incentives for lower-rank party officials to be incorporated into the party elites every five year. This is an important way to renew the capabilities of the party by leadership grooming.

[8] For a thorough analysis of the meaning and issues with the party constitution, see Sidel 2009.

A significant integrity reform introduced to election of the Central Committee has been to allow more candidates contesting for the available seats, or to increase the candidate-to-seat ratio substantially. The preparation of candidates list has been change. While the standard practice still remains that the outgoing Politburo with the assistance of the Commission for Organization prepares the proposed list of candidates for the incoming CC and submits this list to the outgoing CC at its plenums for discussion and approval. Before the 2001 party election, the list of CC candidates prepared by the outgoing Politburo was almost always approved by the outgoing CC and then the Congress without any notable contestation and change. This list used to have no more candidates than the number of available seats at the incoming CC. While occasionally there were some additional recommendations from Congress delegates to include a few notable candidates to the list, it was very rare. For example, at the 1992 party election (the 7th Congress), Pham Song, the incumbent Minister of Health (1988-1992), was not nominated by the outgoing CC but recommended by Congress delegates and approved as a candidate. He was successfully elected to the 1991-1996 term CC. The same situation happened at the 1996 party election (the 8th Congress) for the case of the incumbent Minister of Transport Bui Danh Luu.[9] However, in both cases, the elected CC member was later relieved from his incumbent post and transferred to a symbolic position in waiting for retirement. Despite that, the two cases of successful nomination by Congress delegates had an important implication for the party election. They had prompted the party to review its policy of nomination and candidacy at party elections.

Since 2001 party election, it has become a requirement that the outgoing CC/Politburo nominates more candidates than the available seats to be filled at the party election. Furthermore, Congress delegates are encouraged to nominate more candidates who have to pass the eligibility conditions and negotiation for their names to be put on the final ballot. As such, the candidate-to-seat margin has been increased substantially from almost 0% before 2001 to 29.3% in 2006 and 24.5% in 2011. It means the election has becomes more competitive. Not surprisingly, some prominent candidates nominated by the outgoing CC/Politburo have failed to get re-elected. High profile cases include Do Quang Trung, an incumbent CC member and Minister of Home Affairs at the 2006 election and Pham Gia Khiem, an incumbent Politburo member and DPM/Foreign Minister at the 2011 election.

Another reform at the party election was the introduction of limit to the age of candidates. This is an important measure to rejuvenate the party leadership and receives wide consensus in the party. According to Tuong Vu (2014), the rejuvenation of party leadership through party elections since Doi moi is a key reform that has brought about incremental adaptability and progress and help the party survive various crises. In the past, some party leaders like Ho Chi

[9] See http://vietbao.vn/Chinh-Tri/Uy-vien-trung-uong-tai-cu-khong-qua-tuoi-60/65052160/96/

Minh and Le Duan were in office for their lifetime and some others were as old as 80s or 90s until their retirement. Gone are the days of the revolutionary leaders. Since the 2001 election, the age limit for candidates running for the first time is 55 and 60 for re-election. There are some exceptions for those nominated for members of the Politburo/Secretariat and the General Secretary. The age limit for a nominated candidate for Politburo member is 65 and for General Secretary is 67. It is the age limit that crosses out a number of party old guards and strong men to get elected. The high-profile case was Nguyen Van An, the incumbent NAV Chairman and a Politburo member at the 2006 election. Despite strong support for him from party elders to become the General Secretary, he could not run for re-election to the Central Committee due to his ineligibility on the ground of age as he was 69 years old on the threshold of the party election. As Koh (2008: 657-68) argues, the use of norms and rules to regulate Party affairs has been set in motion, which makes it difficult to reverse.

Table 2. Elections of the Central Committee (CC) at the National Congress of CPV since Vietnam's re-unification

Election time (National Congress)	Total CPV members	Congress delegates	Candidates for Central Committee	Margin between number of candidates and seats	Central Committee full members elected	Turnover rate at Central Committee
Dec 1976	1,550,000	1008	-	-	101	63.3% (64/101)
Mar 1982	1,727,000	1033	-	-	116	50.8% (59/116)
Dec 1986	2,109,613	1129	-	-	124	51.6% (64/124)
Jun 1991	2,155,022	1176	-	-	146	43.7% (77/146)
Jun 1996	2,130,000	1198	-	-	170	42.9% (73/170)
Apr 2001	2,479,719	1168	170	+11.3%	150	40.6% (61/150)
Apr 2006	3,100,000	1176	207	+29.3%	160	50.6% (81/160)
Jan 2011	3,600,000	1377	218	+24.5%	175	41.1% (72/175)

Source: Compiled by author from official source of the CPV and the media.

The revisions of the party constitution over recent Congresses have allowed more room for integrity reforms with democratic features for the party elections. However, the enforcement of the party constitution to deal with violations always remain difficult due to the manipulation by corrupt and wrongdoing senior party members who are often powerful. There have been increasingly strong pressures to give the Congress delegates to power to elect the General

Secretary directly to lower the chance that he is held hostage to powerful interest groups and give the member of the party legislature, i.e., the Central Committee, more power and meaningful role in party affairs between party Congresses rather than give the Politburo and Secretariat carte blanche in these matters (Sidel 2009: 8-15). These reforms have not been implemented but have been seriously considered and are now always pending over the next Congresses for increasing inner-party democracy.

While a number of reforms have been introduced to party elections, there are various limits to them. Elections to the party legislatures are still overshadowed by patronage and political protection (Gainsborough 2007). There have never been any efforts in integrity reforms to target this issue. The clientelistic networks have been reinforced after each party election as can be seen in recent political maneuvering at the CC Plenums. Part of the limits to reforms is that they circumvent the logic of accountability. On the one hand, the party emphasizes the ethical conduct of candidates and the importance of anti-corruption, they shun away from a requirement to make publicly available asset declaration by candidates. Furthermore, the most recent promulgated Regulation on Party Elections by Decision No.224-QD/TW dated 9/4/2014 issued by the Central Committee imposes a number of limits on the nomination and self-nomination of candidates as well as a cap of 30% on the number of candidates that can exceed the number of available seats for each election (maximum candidate-to-seat ratio of 1.3/1). According to the Regulation, Congress delegates cannot recommend changes to the official list of candidates released by the outgoing Central Committee (Article 13). They can nominate more candidates outside the list but must be limited to the remaining quota of 15-20% margin. Besides, they cannot nominate those members of the outgoing CC who are not on the official list for re-election (Article 16). The Regulation seriously restricts the scope of agency for Congress delegates (eligible voters) to express their free will and choice. These efforts by the force inside the CPV resisting integrity reforms in the name of consolidating the age-old principle of "democratic centralism." They aim at maintaining compliant party legislatures, particularly the Congress and Central Committee. However, once the dynamics of electoral integrity reforms at the party legislatures have been unleashed, it is unlikely to keep them in check.

Conclusion

In Vietnam, elections do matter in various ways for the elites and regime. However, elections are often impaired by a variety of problems violating electoral integrity like the absence of competitiveness, arbitrary imposition, lack of transparency and accountability, and conflict of interest. The party-state has recognized the significance of electoral integrity in renewing the legitimacy of the regime. Thus, it has considered a number of electoral integrity reform aimed at both state legislatures and party legislatures. Those integrity reforms for election have

contributed to the resilience of the elites and durability of the regime in coping with crises. The reforms with some democratic features are used at a cautious scope and pace, just sufficient to infuse new strength into the communist party regime but at the same time they face stiff resistance to be kept in control with a view to prevent the course toward democratization. Hence, the electoral integrity reforms have encountered insurmountable challenges. Nevertheless, the reforms also reveal a number of embedded elements for a democratic transformative potential in Vietnam's key institutions. Integrity reforms can potentially become important gateways to channel democratic features to the political system despite existing limitations and resistance.

References

Abrami, Regina, Malesky, Edmund, and Zheng, Yu. 2013. "Vietnam through Chinese eyes: Divergent Accountability in Single-Party Regimes." In *Why Communism Did Not Collapse: Understanding Authoritarian Regime Resilience in Asia and Europe*, ed. Martin Dimitrov. Cambridge: Cambridge University Press.

Blaydes, Lisa. 2006. "Who Votes in Authoritarian Elections and Why? Determinants of Voter Turnout in Contemporary Egypt." Presented at the annual meeting of the American Political Science Association, Philadelphia.

Boix, Carles and Milan Svolik. 2007. "Non-tyrannical Autocracies." Unpublished manuscript, available at http://www.sscnet.ucla.edu/polisci/cpworkshop/papers/Boix.pdf

Gainsborough, Martin. 2005. "Party Control: Electoral Campaigning in Vietnam in the Run-up to the May 2002 National Assembly Elections." *Pacific Affairs* 78 (1): 57-75.

Gainsborough, Martin. 2005a. "Rethinking Vietnamese Politics: Will the Real State Please Stand Up?." Paper presented at the Vietnam Update Conference, the Australian National University, Canberra, August 11-12, 2005.

Gainsborough, Martin. 2007. "From Patronage to "Outcomes": Vietnam's Communist Party Congresses Reconsidered." *Journal of Vietnamese Studies* 2 (1): 3-26

Gandhi, Jennifer, and Adam Przeworski. 2007. "Authoritarian Institutions and the Survival of Autocrats." *Comparative Political Studies* 40 (1): 1279-301.

Geddes, Barbara. 1999. "Authoritarian Breakdown: Empirical Test of a Game Theoretic Argument." Paper presented for the Annual Meeting of the American Political Science Association. Atlanta.

Gillespie, John. 2006. *Transplanting Commercial Law Reform: Developing a 'Rule of Law' in Vietnam*. Aldershot, England: Ashgate Publishing Ltd.

Levitsky, Steven, and Way, Lucan. 2002. "Elections without Democracy: The Rise of Competitive Authoritarianism." *The Journal of Democracy* 13 (2): 51-65.

Levitsky, Steven, & Way, Lucan. 2013. "The Durability of Revolutionary Regimes." *Journal of Democracy,* 24 (3): 5-17.

Lockhart, Greg. 1997. "Mass Mobilization in Contemporary Vietnam." *Asian Studies Review.* 21:2. 174-179.

Koh, David. 2008. "Leadership changes at the 10th Congress of the Vietnamese Communist Party." *Asian Survey* 48 (4): 650-672

Lust-Okar, Ellen. 2006. "Elections under Authoritarianism: Preliminary Lessons from Jordan." *Democratization* 13 (3): 456-71.

Magaloni, Beatriz. 2006. *Voting for Autocracy*. New York: Cambridge University Press.

Magaloni, Beatriz. 2008. "Credible Power Sharing and the Longevity of Authoritarian Rule." *Comparative Political Studies* 41 (4/5): 715-45.

Malesky, Edmund and Paul Schuler. 2009. "Paint-by-Numbers Democracy: The Stakes, Structure, and Results of the 2007 Vietnamese National Assembly Election." *Journal of Vietnamese Studies*. 4 (1): 1-48.

Malesky, Edmund and Paul Schuler. 2011. "The Single-Party Dictator's Dilemma: Information in Elections Without Opposition." *Legislative Studies Quarterly* 36 (4): 491-530.

Malesky, Edmund and Paul Schuler. 2012. "Do Elections Help Non-Democratic Regimes Identify New Leaders?." *Working Paper Series*, Southeast Asia Research Centre, City University of Hong Kong.

Norris, Pippa. 2014. Why electoral integrity matters. New York: Cambridge University Press.

Salomon, Mathieu. 2007. "Power and Representation at the Vietnamese National Assembly: The Scope and Limits of Political Doi Moi," in *Vietnam's New Order*, eds. Stephanie Balme and Mark Sidel. New York: Palgrave MacMillan. 198-216.

Sartori, Giovanni. 1976. *Parties and Party Systems: Volume 1.* New York: Cambridge University Press.

Sampford, Charles. 2005. "From Greek Temple to Bird's Nest: Towards a Theory of Coherence and Mutual Accountability for National Integrity Systems." *Australian Journal of Public Administration* 64 (2): 96 -108.

Sidel, Mark. 2009. The Constitution of Vietnam: A Contextual Analysis. Oxford: Hart Publishing.

Taylor, Robert. 1996. "Introduction." In *The Politics of Election in Southeast Asia*, ed. Robert Taylor. Cambridge: Cambridge University Press, 1–12.

Thayer, Carlyle. 1993. “Recent Political Developments: Constitutional Change and the 1992 Elections.” In *Vietnam and the Rule of Law*, eds. David Marr and Carlyle Thayer. Canberra: Australian National University. 50-80

Thayer, Carlyle. 2010. “Political Legitimacy in Vietnam: Challenge and Response.” *Politics & Policy.* 38 (3): 423-444.

Transparency International. 2005. “Corruption Index.” Berlin: Author. Available at www.transparency.org/research/cpi

Vu, Tuong. 2014. “Pesistance amid Decay: The Communist Party of Vietnam at 83.” In *Politics in Contemporary Vietnam: Party, State and Authority Relations*, ed. Jonathan London. Houndmills, UK and New York: Palgrave/MacMillan: 21-41.

Zakaria, Fareed. 1997. “The Rise of Illiberal Democracy.” *Foreign Affairs* (November/ December): 22-43.

Zingerli, Claudia. 2003. “Politics in Mountain Communes: Exploring Vietnamese Grassroots Democracy.” In *Rethinking Vietnam*, ed. Duncan McCargo. London: Routledge, 53-66